

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 28th DAY OF SEPTEMBER, 2009 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Ron Bonnema	-County Engineer
	Steve Sandy	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.

1. Project # 2009020

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of a Public Body

1. Agency on Aging
2. Alcohol Safety Action Program (ASAP)
3. Personnel

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Annette S. Perkins	

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

James D. Politis
Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
William H. Brown
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A Moment of Silence was lead by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

INTRODUCTION - PROJECT MANAGER FOR COURTHOUSE CONSTRUCTION PROJECT

Ron Bonnema, County Engineer, introduced Ron Riquelmy, Project Manager for the Courthouse Project. Mr. Riquelmy is the representative from ARCADIS who was awarded the contract to oversee the project. Mr. Riquelmy has worked in the surrounding localities for a number of years, including working as the Project Manager for the public safety building in Roanoke County and the Western Virginia Regional Jail.

DELEGATIONS

Appalachian Power - Rate Case Activity

Mr. Terry Hall, Appalachian Power, presented information on power rate case activity in Montgomery County and the need to increase the power rate. Mr. Hall provided background information regarding the de-regulation legislation in 1999, 2004 and 2007. In 2009, APCo filed with the State Corporation Commission (SCC) to increase rates with a request to increase the Environmental & Reliability rate by 3.5%, effective January 2010. Mr. Hall stated that base rates are to be determined for 2010 & 2011. The overall increase for residential customers is 19% and industrial is 12%. The average cost for a residential customer is \$3.61 per day and they are proposing a 51 cent increase per day. Mr. Hall stated there is a need to adjust for inflation. APCo has had a flat rate since 1980.

Mr. Hall also reported that APCo is increasing their contribution to the Neighbor to Neighbor funding from \$100,000 to \$500,000. This fund is to assist citizens, who qualify, with their electric bill.

Constitutional Officers – State Budget Cuts

The County's Constitutional Officers addressed the Board on the State's budget reduction and impact to their respective office.

Montgomery County Sheriff's Department

Sheriff Tommy Whitt addressed the Board on budget reduction impacts to the Montgomery County Sheriff's Office. He began by showing a recruiting video produced by the Virginia Sheriff's Association.

Sheriff Whitt reported that the Sheriff's Office received a reduction totaling \$183,073 in the first round of state budget cuts. Effective October 1 2009, another \$281,794 will be reduced from the Sheriff's budget. He stated that his office will not be able to handle any additional cuts. He has reduced his budget to the point where there is not anywhere else to cut other than personnel. This would result in eliminating an estimated 13 positions, which is a third of the patrol division. The Jail Division is already minimally staffed with no room for reductions. He expressed that the quality of service and response time will be reduced if these positions are eliminated.

Montgomery County Commonwealth's Attorney

Brad Finch, Commonwealth's Attorney, reported the Commonwealth's Attorney's office will see an additional reduction of \$50,104. Mr. Finch recognizes the extremely difficult times the State and County are in. The Commonwealth's Attorney offices state wide received a total of 10% reduction in their budgets. He commented that his office is willing to make the necessary reductions. He is willing to eliminate the County funded part-time position, cut office supplies to the minimum, continue to provide cost collection services to collect revenue, continue to provide prosecution services for misdemeanor cases, for which they do not receive any state or local funds.

Mr. Finch also believes now is not the time to cut law enforcement in the County. Due to past experiences, when the economy is down, crime is high and public safety is important.

Mr. Finch expressed his appreciation to the Board for their support.

Montgomery County Clerk of Circuit Court

Erica Williams, Clerk of Circuit Court, reported the Clerk of Circuit Court's office will receive an additional reduction of \$43,157, for a total of \$53,010 in FY 2010. Ms. Williams stated the Clerks' Office maintains a well trained staff that carries out 800 duties required by the Virginia State Code. They collected \$1 million in revenue last year.

Ms. Williams stated that the number of court cases has increased and they are required to have staff in the courtroom three days a week. The number of hand gun permits issued has increased, which takes time to process. There are only nine employees in the Clerk of Circuit Court's office and the recent reduction will require the elimination of 2 employees. Ms. Williams asked that the Board of Supervisors help offset these reductions.

Montgomery County Treasurer

Richard Shelton, Montgomery County Treasurer, reported the Treasurer's office will receive an additional reduction of \$24,321, for a total of \$29,803. Mr. Shelton thanked the Board for allowing the Constitutional Officers the opportunity to speak. He provided information on duties of the Treasurer's Office and the collection of taxes.

Mr. Shelton requested the County fund any portion of the Treasurer's budget that is not being funded by the State Compensation Board. They do not have any surplus for a reduction in the operation and maintenance portion of their budget, and a reduction in personnel will affect their collection efforts and customer service.

Supervisor Creed asked what additional duties the Treasurer's office has taken on in the past several years. Mr. Shelton replied that they are now collecting the Public Service Authority (PSA) water and sewer payments. This additional duty has created an additional 400-500 walk in customers per month.

Montgomery County Commissioner of the Revenue

Alice Jones, Deputy Commissioner of the Revenue, reported that the Commissioner's office will receive an additional reduction of \$24,821, for a total of \$30,377. Ms. Jones outlined the Commissioner of the Revenue's office duties, none of which can be eliminated. She reported that there is one vacant position that will remain vacant due to the hiring freeze implemented, which will offset the additional reduction by \$23,837. Ms. Jones stressed that any pay cuts to their employees would be detrimental as there are a number of single parents who work in this office.

Ms. Jones thanked the Board for their time.

The County Administrator reported the additional budget cuts for all Constitutional Offices total \$424,195. The County did cover the reductions the Constitutional Officers received during the first round of state cuts totaling \$223,850.

Chair Perkins thanked each Constitutional Officer for everything they do for Montgomery County. The Board of Supervisors and County Administration will look into all requests and reductions to the Constitutional Officers.

RECESS

The Board of Supervisors took a 10 minute recess at 9:05 p.m. and reconvened at 9:15 p.m.

PUBLIC HEARINGS

Comprehensive Plan Map Amendment – Chie-May Lo Sing – CONTINUE TO OCTOBER 26, 2009

A Request by Chie-May Lo Sing (Agent: Roberts Engineering) for a Comprehensive Plan map amendment to change the policy map designation of seven (7) acres immediately adjacent to Route 114 from Rural to Village Medium Density Residential in the Belview Village for a parcel located at 2626 Peppers Ferry Road also identified as a portion of Tax Parcel No. 65-A 15 (Account No. 017076), in the Riner Magisterial District.

At their September 8, 2009 meeting, the Planning Commission tabled this request until further information could be obtained. Therefore, the Board of Supervisors continued this public hearing until October 26, 2009.

Special Use Permit – William W. & Susan McGann Osborne

A request by William E. & Susan McGann Osborne (Agent: Gay & Neel, Inc.) for a Special Use Permit (SUP) on approximately 3.385 acres in an Agriculture (A1) zoning district to allow a contractor's storage yard. The property is located at 1806 Brookfield Road, and is identified as Tax Parcel No(s). 52-3-2C and a portion of 52-3-2D (Acct Nos. 013253, 011315), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a brief summary of the request for a Special Use Permit. She explained this permit is to bring an existing use into compliance. Currently the applicant is utilizing the property as a Contractor's Storage Yard by operating a landscape business. The business has been in operation at the site for approximately 12 years. The operation of the business does not appear to be a problematic community issue due to extensive screening provided by mature evergreen trees and vegetation, which decreases the visibility from adjoining property owners. A petition with seven signatures, from property owners along Brookfield Road, was submitted to the Planning Commission in support for a Special Use Permit by Mr. Osborne.

Ms. Jenkins reported that the Planning Commission recommended denial of the Special Use Permit at their July 16, 2009 meeting due to the issue with a 30' x 40' metal building not having the proper building permit or certificate of completion with the County Building Official. The Planning Commission felt the request could be approved if this issue was resolved. The only reason the Planning Commission forwarded a letter of recommendation to deny to the Board of Supervisors is due to the fact the Planning Commission only had 180 days to forward a recommendation to the Board of Supervisors. This request was tabled at the Planning Commission's April 8, 2009 meeting.

M. Jenkins reported that the issue with the metal building has been resolved and believes it can be moved forward. Mr. Osborne hired a certified engineer to inspect the building and wrote a letter of certification that the building is in compliance. The County's Building Official offered to inspect the building; but will not issue a building permit until the special use permit is approved. A proffer is to be added to the list of conditions that a building permit is to be issued within a suitable time frame after the approval of the special use permit.

Kevin Conner, Agent-Gay & Neel, Inc., addressed the Board on behalf of the applicant. Mr. Conner provided an overview of the project and additional information regarding the non-conforming metal building, which has been resolved.

William Osborne, applicant, addressed the Board regarding his request for a special use permit. Mr. Osborne stated he has been in business for 17 years and believes there was a miscommunication on the need for a Special Use Permit for his business.

The Chair opened this public hearing for comments.

Jay Smith spoke in support of the special use permit. Mr. Smith commented that the landscaping business is buffered from the adjoining properties and cannot be seen or heard.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

CONSENT AGENDA

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated September 28, 2009 was approved.

The vote on foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
John A. Muffo	
Gary D. Creed	
James D. Politis	
William H. Brown	
Mary W. Biggs	
Annette S. Perkins	

Approval of Minutes

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the minutes dated May 26, 2009 and June 8, 2009 were approved.

Schedule Public Hearings

R-FY-10-51
SCHEDULE PUBLIC HEARING
AN ORDINANCE AMENDING CHAPTER 2, DIVISION 5,
SECTION 2-107 BY INCREASING THE INCOME ELIGIBILITY LIMITS
FOR EXEMPTION FROM OR DEFERRAL OF TAXATION
OF REAL ESTATE FOR THE ELDERLY AND DISABLED

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to schedule a Public Hearing for October 26, 2009 at 7:15 p.m. or as soon thereafter in the Board Room, Montgomery County Government

Center located at 755 Roanoke Street, Christiansburg, Virginia to hear citizen comments on the following:

Proposed Ordinance to Amend Chapter 2, Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped.

An Ordinance Amending Chapter 2, Division 5 Entitled Tax Exemptions and Deferrals for Elderly and Handicapped, Section 2-107 of the Code of the County of Montgomery, Virginia by Increasing the Income Eligibility Limits for Exemption from or Deferral of Taxation of Real Estate for the Elderly and Disabled.

R-FY-10-52

**SCHEDULE PUBLIC HEARING ON A PROPOSED ORDINANCE
AMENDING THE JULY 1, 2002, NEW RIVER VALLEY BENEFITS CONSORTIUM
JOINT POWERS AGREEMENT BY SPECIFYING CERTAIN DUTIES
OF THE OFFICERS OF THE CONSORTIUM AND BY AMENDING
THE VOTING RIGHTS FOR THE CONSORTIUM MEMBERS
WITH FIVE HUNDRED EMPLOYEES OR MORE**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to schedule a Public Hearing for October 26, 2009, at 7:15 p.m. or as soon thereafter in the Board Room, Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia to hear citizen comments on the following:

An Ordinance Amending the July 1, 2002, New River Valley Benefits Consortium Joint Powers Agreement by specifying certain duties of the officers of the Consortium and by amending the voting rights for the Consortium members with five hundred employees or more.

R-FY-10-53

**SCHEDULE PUBLIC HEARING
CONCERNING THE INTENTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF MONTGOMERY, VIRGINIA TO PROPOSE FOR PASSAGE A
RESOLUTION AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED \$8,250,000
GENERAL OBLIGATION SCHOOL BOND, SERIES 2009 OF THE COUNTY OF
MONTGOMERY, VIRGINIA TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL
AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to schedule a Public Hearing for October

13, 2009, at 7:15 p.m. or as soon thereafter in the Board Room, Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia to hear citizen comments on the following:

Resolution authorizing the issuance of not to exceed \$8,250,000 principal amount of a general obligation school bond of the County of Montgomery, Virginia. The Bond is to be issued for financing capital projects for public school purposes and is to be sold to the Virginia Public School Authority.

Appropriations and Transfers

A-FY-10-41 COMMONWEALTH'S ATTORNEY FORFEITED ASSET SHARING PROGRAM

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$101
-----	-------------------------	-------

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419104	Confiscations	\$101

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

A-FY-10-42 CLERK OF CIRCUIT COURT TECHNOLOGY TRUST FUND

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

251	Clerk of Circuit Court	\$3,390
-----	------------------------	---------

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
02250-423100 Shared Expenses	\$3,390

Said resolution appropriates Technology Trust fund monies to cover the cost of microfilming and indexing records for the Clerk's office.

**A-FY-10-43
SHERIFF
RECOVERED COSTS**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

320	Sheriff – County	\$2,824
321	Sheriff – DARE Program	\$1,000
322	Sheriff – Project Lifesaver	<u>\$ 260</u>
	Total	\$4,084

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
19108 Recovered Cost – County	\$2,824	
19117 Recovered Cost – DARE Program	\$1,000	
24401 Project Lifesaver	<u>\$ 260</u>	
	Total	\$4,084

Said resolution appropriates recovered costs and Project Lifesaver funds for use by the Sheriff's Department.

**R-FY-10-54
RESOLUTION GRANTING
APPALACHIAN POWER COMPANY A
UTILITY EASEMENT FOR THE
NEW ELLISTON – SHAWSVILLE AREA
ELEMENTARY SCHOOL**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the conveyance of a right-of-way and easement across the new Elliston-Shawsville Area Elementary School property owned by Montgomery County located in Elliston,

Virginia to Appalachian Power Company in order to provide electrical service to the new school site.

BE IT FURTHER RESOLVED, That the Chair of the Board of Supervisors is hereby authorized to execute the above referenced right-of-way easement to Appalachian Power Company on behalf of the Board of Supervisors.

R-FY-10-55
RESOLUTION GRANTING A UTILITY EASEMENT
TO VERIZON VIRGINIA, INC. FOR
THE NEW ELLISTON-SHAWSVILLE AREA
ELEMENTARY SCHOOL

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the conveyance of a right-of-way and easement across the new Elliston-Shawsville Area Elementary School property owned by Montgomery County located in Ellsion, Virginia to Verizon Virginia, Inc. to supply a communication system to the new site.

BE IT FURTHER RESOLVED, That the Chair of the Board of Supervisors is hereby authorized to execute the above referenced right-of-way easement to Verizon Virginia, Inc. on behalf of the Board of Supervisors.

R-FY-10-56
REQUEST FOR A NEW STREET NAME
CLENDENNIN TRAIL

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, There is an unnamed private street located off Boners Run Road in Shawsville, Virginia; and

WHEREAS, The County received a request from the property owners on this private street for this street to be named Clendennin Trail; and

WHEREAS, Clendennin Trail complies with the County Street Name Policy.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that after duly considering said request, the Board hereby approves the use of the name Clendennin Trail.

R-FY-10-57
BOARD OF ZONING APPEALS
APPOINTMENT

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recommends to the Circuit Court the appointment of **William Stephen Howard** to the **Board of Zoning Appeals** effective September 29, 2009 and expiring September 28, 2014.

OLD BUSINESS

ORD-FY-10-14

**AN ORDINANCE AUTHORIZING THE FORMATION OF A JOINT ENTITY
BETWEEN THE COUNTIES OF BLAND, CARROLL, FLOYD, GILES, GRAYSON,
MONTGOMERY, PULASKI, SMYTH, WASHINGTON, AND WYTHE AND
THE CITIES OF BRISTOL, GALAX, AND RADFORD, VIRGINIA TO BE CALLED
THE NEW RIVER/MOUNT ROGERS WORKFORCE INVESTMENT AREA
CONSORTIUM AND BESTOWING ON SUCH ENTITY ALL POWERS NECESSARY
AND PROPER FOR THE PERFORMANCE OF ITS DUTIES UNDER THE
WORKFORCE INVESTMENT ACT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Workforce Investment Act of 1998, codified at 29 U.S.C. S 2801 *et seq.* (hereinafter the “Act”), provides federal funding to states for the delivery of workforce training and other services; and

WHEREAS, 29 U.S.C. §2831 requires the governor to designate local workforce investment areas to deliver workforce investment services within the state; and

WHEREAS, The Governor has designated the Counties of Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Smyth, Washington, and Wythe and the Cities of Bristol, Galax, and Radford, Virginia (the “Member Jurisdictions”) as the Area II Workforce Investment Act Area; and

WHEREAS, On February 15, 2000 the Member Jurisdictions entered into an agreement to jointly administer the Workforce Investment Act programs called the “Charter Chief Local Elected Officials Agreement” (the “Charter Agreement”) and have operated continuously under this Charter Agreement; and

WHEREAS, The Member Jurisdictions wish to continue to jointly perform the responsibilities prescribed for them under the Act; and

WHEREAS, Va. Code §15.2-1300 provides that local governments may enter into agreements for the joint or cooperative exercise of any power, privilege or authority which each is capable of exercising individually; and

WHEREAS, The Member Jurisdictions desire to form a joint entity under Va. Code § 15.2-1300 to be designated as the New River/Mount Rogers Workforce Investment Area Consortium (the “Consortium”) and to be recognized as Virginia’s Area II Local Workforce Investment Area which will perform the duties incumbent on them individually under the Workforce Investment Act; and

WHEREAS, The creation of a joint entity will permit the delivery and oversight of workforce services in a manner that will ensure accountability to governing bodies of the Member Jurisdictions.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia, hereby

1. Rescinds the Charter Agreement;
2. Approves entering into the New River/Mount Rogers Workforce Investment Consortium Agreement (the “Agreement”) which is attached hereto and made a part of this Ordinance; and
3. Authorizes Annette Perkins, Chair of the Board of Supervisors of the County of Montgomery, Virginia to execute the Agreement on behalf of the Board of Supervisors.

This Ordinance shall be effective immediately

Adopted this 28th day of September, 2009.

The vote on foregoing ordinance was as follows:

AYE

John A. Muffo
Gary D. Creed
James D. Politis
William H. Brown
Mary W. Biggs
Doug Marrs
Annette S. Perkins

NAY

None

NEW BUSINESS

R-FY-10-58
RESOLUTION OF THE BOARD OF SUPERVISORS
AGREEING TO UNDERTAKE A NON-BINDING OBLIGATION
FOR THE ECONOMIC DEVELOPMENT AUTHORITY
OF MONTGOMERY COUNTY, VIRGINIA

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Economic Development Authority of Montgomery County, Virginia (“EDA”) has entered into a Lease Agreement with Cobham Defense Electronic Systems-M/A-Com Inc. (“Cobham”) to lease approximately 50,000 sq. ft. to Cobham in the EDA’s 109,000 square foot Technology Manufacturing Building in the Blacksburg Industrial Park; and

WHEREAS, Pursuant to the terms of the Lease Agreement the EDA is obligated to provide Cobham with Two Million Dollars in Leasehold improvements with the Two Million amortized over the initial term of the Lease and paid through monthly lease payments from Cobham to the EDA; and

WHEREAS, The EDA has secured Two Million Dollars in financing from First Bank and Trust (“the Financing”) conditioned upon the Board of Supervisors agreeing to be morally obligated to re-pay the Financing should the EDA fail to make the required payments to First Bank and Trust; and

WHEREAS, The Board of Supervisors recognizes that the relocation of Cobham to the EDA’s Technology Manufacturing Building through the Lease Agreement promotes economic development in the County and the Board of Supervisors desires to support the EDA in its efforts to finance the Leasehold improvements required under the Lease Agreement; and

WHEREAS, Section 15.2-953 of the Code of Virginia 1950, as amended, provides that any locality may appropriate money to an economic development authority for the purpose of promoting economic development.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County Virginia:

1. Should the County receive notice from the EDA that the EDA is no longer receiving sufficient rent payments from Cobham intended to cover the loan payments owed under the First Bank and Trust Financing, the Board of Supervisors hereby agrees to undertake a non-binding obligation, in such manner that is consistent with both the Constitution and laws of the Commonwealth of Virginia, to appropriate money to the EDA sufficient to make up any deficiency and allow the EDA to continue to make its loan payments required under the First Bank and Trust Financing. The Board of Supervisors, while recognizing that it is not hereby empowered to make any binding commitment to make such appropriation in future fiscal years,

hereby states its intent to make such appropriations in future fiscal years and hereby recommends that future Boards do likewise.

2. Nothing herein contained is or shall be deemed to be a lending of the credit of the County of Montgomery to the EDA, First Bank and Trust or to any other person or entity and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County of Montgomery nor shall anything herein contained legally bind or obligate the Board of Supervisors to appropriate funds for the purpose described herein.
3. The Chairman or Vice Chairman of the Board and the County Administrator are each hereby authorized and directed to take any and all actions and to execute any such documents or instruments, including but not limited to a "County Support Agreement" pursuant to Section 15.2-1205 of the Code of Virginia, 1950, as amended, as may be necessary or appropriate to carry out the purposes of this resolution, the execution thereof by such officer or officers to be conclusive evidence of such appropriateness or necessity.

The vote on foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
James D. Politis	
William H. Brown	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Annette S. Perkins	

R-FY-10-59
RESOLUTION APPROVING THE NEW LEASE AGREEMENT
WITH STEVEN ALLEN AND MARGARET F. SISSON FOR
THE ALLEGHANY SOLID WASTE COLLECTION SITE

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the new Lease Agreement dated October 1, 2009, with Steven Allen and Margaret F. Sisson for the purpose of operating a County solid waste collection site in the Alleghany Community of Montgomery County.

The vote on foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

**A-FY-10-44
SCHOOL OPERATING FUND
YEAR-END ENCUMBRANCE
CARRYOVER FROM FY 09**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund is granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

451200	Transfer to School Operating Fund	\$1,358,609
--------	-----------------------------------	-------------

The source of funds for the foregoing appropriation is as follows:

451203	Undesignated Fund Balance	\$1,358,609
--------	---------------------------	-------------

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

<u>School Operating</u>		
610000	Instruction	\$ 97,371
620000	Admin, Attend, & Health	\$ 235
630000	Transportation	\$ 755,140
640000	Operation and Maintenance	<u>\$ 505,863</u>
	Total	\$1,358,609

The source of funds for the foregoing appropriation is as follows:

Revenue Account:

451100	Transfer from General Fund	\$1,358,609
--------	----------------------------	-------------

Said resolution reappropriates monies supporting the balances of outstanding purchase orders remaining on June 30, 2009 for the school system.

The vote on foregoing resolution was as follows:

AYE

James D. Politis

Mary W. Biggs

Doug Marrs

John A. Muffo

Gary D. Creed

William H. Brown

Annette S. Perkins

NAY

None

A-FY-10-45
SCHOOL OPERATING AND CAFETERIA FUNDS
CARRY FORWARD UNENCUMBERED BALANCES
FROM FY09

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund is granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

451200	Transfer to School Operating Fund	\$167,647
451210	Transfer to School Cafeteria Fund	<u>157,358</u>
	Total	\$325,005

The source of funds for the foregoing appropriation is as follows:

451203	Undesignated Fund Balance	\$325,005
--------	---------------------------	-----------

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating and School Cafeteria Funds were granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

<u>School Operating</u>		
610000	Instruction	\$140,000
620000	Admin, Attend, & Health	\$ 27,647
 <u>School Nutrition</u>		
650000	School Nutrition	<u>\$157,358</u>
	Total Funds	\$325,005

The source of funds for the foregoing appropriation is as follows:

Revenue Account:

451100	Transfer from General Fund	\$325,005
--------	----------------------------	-----------

Said resolution appropriates unspent school operating funds remaining at June 30, 2009.

The vote on foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
John A. Muffo	
Gary D. Creed	
William H. Brown	
James D. Politis	
Annette S. Perkins	

**R-FY-10-60
ESTABLISH A SCHOOL OPERATING RESERVE FUND
CARRYOVER FUNDS FROM FY09**

On a motion from Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, Given the state of the economy, the Board of Supervisors would like to take proactive measures to mitigate unexpected financial emergencies should they occur in the School Operating Budget by establishing a School Operating Reserve; and

WHEREAS, \$904,780 remained unspent in the School Operating Fund Budget at the end of Fiscal Year 2009; and

WHEREAS, The Montgomery County School Board has requested a School Operating Reserve be established in the amount of \$904,780; and

WHEREAS, The Board of Supervisors wishes to establish a School Operating Reserve in the amount of \$904,780.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors establishes a School Operating Reserve in the amount of \$904,780 for FY 2010 and FY 2011.

The vote on foregoing resolution was as follows:

AYE

Doug Marrs

John A. Muffo

Gary D. Creed

William H. Brown

James D. Politis

Mary W. Biggs

Annette S. Perkins

NAY

None

**R-FY-10-61
PROCLAMATION
GED AND LIFE LONG LEARNING AWARENESS WEEK
OCTOBER 19-23, 2009**

On a motion by William H. Brown, seconded by Doug Marrs and carried unanimously,

WHEREAS, The foundation of democracy is based upon an educated citizenry, and education should be made available to people of all ages to gain knowledge and skills; and

WHEREAS, The Montgomery County Public Schools' Adult Education Program facilitates adult education programs in Montgomery County and provides services to an average of 342 people annually; and

WHEREAS, Adult education offers classes to assist adults in improving basic reading, writing, and math skills, to pursue further education, to enter or advance in the job market, or to enhance their personal and family lives; and

WHEREAS, Adult education offers classes to prepare adults to take the General Educational Development (GED) Test; and

WHEREAS, Adult education serves students of diverse populations that include adults with learning disabilities, physical and emotional disabilities, and adult learners in family literacy programs and correctional institutions; and

WHEREAS, Adult education works cooperatively with local, state, and federal agencies such as the Montgomery County Department of Social Services, the New River/Mount Rogers Workforce Investment Board, and the Virginia Workforce Center in Radford to meet the goals and needs of mutual clients; and

WHEREAS, It is timely and appropriate that attention be focused on the special efforts and dedication of Montgomery County Public Schools' Adult Education Program's adult educators who prepare individuals for productive employment and enriched lives.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia does hereby proclaim **October 19-23, 2009** as **GED and Life Long Learning Awareness Week** in the County of Montgomery and urges all its citizens to become familiar with the services and benefits offered by adult education and to support and participate in these programs.

The vote on foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
William H. Brown	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
Annette S. Perkins	

DEFER WORK SESSION

By consensus of the Board of Supervisors the work session on Citizen Appointments to Boards and Commissions was deferred to a future meeting.

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following:

- Tour of Jail Facilities on September 25, 2009. He believes the jail is way past due for upgrades.
- 911 Executive Group interviewed Consultant candidates
- Legislative Priorities for 2010 – staff is working on drafting the legislative priorities for 2010. If there are any additions or deletions from the 2009 priorities, please let the County Administration staff know.

BOARD MEMBERS' REPORTS

Supervisor Marrs asked staff to get an update from VDOT on the request to lower the speed limit in the Belview Village.

Supervisor Biggs attended the Library Board meeting and reported on the following:

- Montgomery-Floyd Regional Library system is also seeing it's share of state budget cuts. Montgomery County will receive a reduction of \$11,894 and Floyd County will receive a reduction of \$2,099.

- Brian Hamilton, Montgomery County Economic Development Director, made a presentation to the Library Board of Trustees and did a wonderful job.
- Library Board looking into the possibility of adopting a policy on the naming of library facilities and rooms. Supervisor Biggs asked if the County had a policy on naming of facilities.

Supervisor Muffo reported that the funding for the Child Case Management position, created last year from Social Services vacancy savings, will end in December 2009. This position was created to find ways to help children in need stay in the County instead of outsourcing them to another facility in the state or out of state. This position was housed with the New River Community Services. The Community Services Board is proposing to open this position up for all localities to compete for.

Supervisor Creed stressed the need for the County to move forward with the Joinder Study. He believes that this issue needs to get back on track.

ADJOURNMENT

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously, the Board adjourned to Tuesday, October 13, 2009 at 6:00 p.m.

The vote on foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
William H. Brown	
Annette S. Perkins	

The meeting adjourned at 10:05 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins	F. Craig Meadows
Chair, Board of Supervisors	County Administrator